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FEDERAL LAND ASSET INVENTORY REFORM ACT OF 2021

MARCH 2, 2022.—Ordered to be printed

Mr. MANCHIN, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany S. 2433]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2433), to require the Secretary of the Interior to develop and maintain a cadastre of Federal real property, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

AMENDMENT

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Land Asset Inventory Reform Act of 2021”.

SEC. 2. CADASTRE OF FEDERAL REAL PROPERTY.

(a) DEFINITIONS.—In this section:

(1) CADASTRE.—

(A) IN GENERAL.—The term “cadastre” means an inventory of real property developed through collecting, storing, retrieving, or disseminating graphical or digital data depicting natural or man-made physical features, phenomena, or boundaries of the earth, and any information related to the data, including—

- (i) surveys;
- (ii) maps;
- (iii) charts;
- (iv) satellite and airborne remote sensing data;
- (v) images; and

(vi) services of an architectural or engineering nature performed by 1 or more professionals, as authorized to perform the services under State law, if applicable, such as—

- (I) a surveyor;
- (II) a photogrammetrist;

- (III) a hydrographer;
 - (IV) a geodesist; or
 - (V) a cartographer.
- (B) INCLUSIONS.—The term “cadastre” includes—
- (i) a reference frame consisting of a current geodetic network that is consistent with, and not duplicative of, the National Geodetic Survey of the National Oceanic and Atmospheric Administration;
 - (ii) a series of current and accurate large-scale maps;
 - (iii) an existing cadastral boundary overlay delineating all cadastral parcels;
 - (iv) a system for indexing and identifying each cadastral parcel; and
 - (v) a series of land data files, each including the parcel identifier, which can be used to retrieve information and cross-reference between and among other existing data files that may contain information about the use, assets, and infrastructure of each parcel.
- (2) FEDERAL REAL PROPERTY.—The term “Federal real property” means any real property owned, leased, or otherwise managed by the Secretary concerned.
- (3) Real Property.—The term “real property” means real estate consisting of—
- (A) land;
 - (B) buildings, crops, forests, or other resources still attached to or within the land;
 - (C) improvements or fixtures permanently attached to the land;
 - (D) any structure on the land; or
 - (E) any interest, benefit, right, or privilege in the property described in subparagraphs (A) through (D).
- (4) SECRETARY CONCERNED.—The term “Secretary concerned” means—
- (A) the Secretary of the Interior; or
 - (B) the Secretary of Agriculture, acting through the Chief of the Forest Service.
- (b) CADASTRE OF FEDERAL REAL PROPERTY.—
- (1) Interagency Data Standardization.—Not later than 18 months after the date of enactment of this Act, the Secretaries concerned shall jointly develop and adopt interagency standards to ensure compatibility and interoperability among applicable Federal databases with respect to the collection and dissemination of data relating to Federal real property.
- (2) DEVELOPMENT OF CADASTRE.—Not later than 2 years after the date of enactment of this Act, the Secretaries concerned, subject to the availability of appropriations, shall develop (and thereafter maintain) a current and accurate multipurpose cadastre of Federal real property under the jurisdiction of the Secretaries concerned to support Federal land management activities on Federal real property, including—
- (A) resource development and conservation;
 - (B) agricultural use;
 - (C) active forest management;
 - (D) environmental protection; and
 - (E) other use of the real property.
- (3) CONSOLIDATION AND REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretaries concerned shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report describing—
- (A) the existing real property inventories or any components of any cadastre of Federal real property currently authorized by law or maintained by the Secretary concerned, including—
 - (i) the statutory authorization for each existing real property inventory or component of a cadastre; and
 - (ii) the amount expended by the Federal Government for each existing real property inventory or component of a cadastre in fiscal year 2020;
 - (B) the existing real property inventories or any components of any cadastre of Federal real property currently authorized by law or maintained by the Secretary concerned that will be eliminated or consolidated into the multipurpose cadastre under paragraph (2);
 - (C)(i) the existing real property inventories or any components of any cadastre of Federal real property currently authorized by law or maintained by the Secretary concerned that will not be eliminated or consolidated into the multipurpose cadastre under paragraph (2); and
 - (ii) a justification for not eliminating or consolidating an existing real property inventory or component of a cadastre described in clause (i) into the multipurpose cadastre under paragraph (2);

(D) the use of existing real property inventories or any components of any cadastre currently maintained by any unit of State or local government that can be used to identify Federal real property within that unit of government;

(E) the cost savings that will be achieved by eliminating or consolidating duplicative or unneeded real property inventories or any components of any cadastre of Federal real property currently authorized by law or maintained by the Secretary concerned that will become part of the multipurpose cadastre under paragraph (2);

(F) a plan for the implementation of this section, including a cost estimate and an assessment of the feasibility of using revenue from any transactional activity authorized by law to offset any costs of implementing this section; and

(G) recommendations for any legislation necessary to increase the cost savings and enhance the effectiveness and efficiency of replacing, eliminating, or consolidating Federal real property inventories or any components of any cadastre of Federal real property currently authorized by law or maintained by the Secretary concerned.

(4) COORDINATION.—

(A) IN GENERAL.—In carrying out this section, the Secretaries concerned shall—

(i) participate (in accordance with section 216 of the E Government Act of 2002 (44 U.S.C. 3501 note; Public Law 107–347) and section 757 of the Geospatial Data Act of 2018 (43 U.S.C. 2806)) in the establishment of such standards and common protocols as are necessary to ensure the interoperability of geospatial information pertaining to the cadastre under paragraph (2) for all users of the information;

(ii) coordinate with, seek assistance and cooperation of, and provide liaison to the Federal Geographic Data Committee established by section 753(a) of the Geospatial Data Act of 2018 (43 U.S.C. 2802(a)) for the implementation of and compliance with such standards and requirements of that Act as may be applicable to—

(I) the cadastre under paragraph (2); and

(II) any aspect of the development of the cadastre under paragraph (2);

(iii) integrate, or make the cadaster interoperable with, the Federal Real Property Profile or other inventories established pursuant to Executive Order 13327 (40 U.S.C. 121 note; relating to Federal real property asset management), the Federal Assets Sale and Transfer Act of 2016 (40 U.S.C. 1303 note; Public Law 114–287), or the Federal Property Management Reform Act of 2016 (Public Law 114–318; 130 Stat. 1608); and

(iv) to the maximum extent practicable, integrate with and leverage current cadastre activities of units of State and local government.

(B) CONTRACTS CONSIDERED SURVEYING AND MAPPING.—

(i) In general.—A contract between the Secretaries concerned and a member of the private sector to provide products and services for the development of the cadastre shall be considered to be a contract for services of surveying and mapping (within the meaning of chapter 11 of title 40, United States Code).

(ii) Selection Procedures.—A contract described in clause (i) shall be entered into in accordance with the selection procedures in chapter 11 of title 40, United States Code.

(c) TRANSPARENCY AND PUBLIC ACCESS.—The Secretary concerned shall—

(1) in accordance with any requirements applicable to the Secretary concerned under section 759 of the Geospatial Data Act of 2018 (43 U.S.C. 2808), make the cadastre under subsection (b)(2) publicly available on the internet—

(A) in a graphically geo-enabled and searchable format; and

(B) in a manner that is consistent with, and meets any requirements for integration with, the GeoPlatform established under section 758(a) of that Act (43 U.S.C. 2807(a));

(2) ensure that the inventory referred to in subsection (b) includes the identification of all land suitable for disposal and the appraised value of the land, if an appraisal has been conducted, in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(3) in consultation with the Secretary of Defense and the Secretary of Homeland Security, prevent the disclosure of any parcel or parcels of land, any buildings or facilities on the land, or any information related to the land, buildings,

or facilities if that disclosure would impair or jeopardize the national security or homeland defense of the United States.

(d) APPLICABLE LAW.—Any data that is part of the cadastre developed under subsection (b)(2) shall be—

(1) considered to be geospatial data for purposes of the Geospatial Data Act of 2018 (43 U.S.C. 2801 et seq.); and

(2) subject to the requirements of that Act.

(e) EFFECT.—Nothing in this section—

(1) creates any substantive or procedural right or benefit; or

(2) requires or authorizes—

(A) any new surveying or mapping of Federal real property;

(B) the evaluation of any parcel of land or other real property for potential management by a non-Federal entity;

(C) the disposal of any Federal real property; or

(D) any new appraisal or assessment of—

(i) the value of any parcel of Federal land or other real property; or

(ii) the cultural and archaeological resources on any parcel of Federal land or other real property.

PURPOSE

As ordered reported, the purpose of S. 2433 is to require the Secretary of Agriculture, acting through the Chief of the Forest Service, and Secretary of the Interior to develop and maintain a cadastre (inventory) of Federal real property under the jurisdiction of the Secretaries.

BACKGROUND AND NEED

The Federal Government owns and maintains a multitude of properties across the country, including federal lands, buildings, and monuments. Generally, inventories of Federal property are tracked and accounted for by the respective bureaus, agencies, or departments that oversee any given property. Accurate and accessible data depicting the boundaries and ownership of Federal real property is used in real estate transactions, infrastructure projects, land surveys, and to facilitate permitted uses on public lands, such as recreation, grazing, and resource development.

The Federal Government does not maintain a database that is accessible to the public in order to examine inventories of federal real property. As ordered reported, S. 2433 seeks to consolidate the information about Federal real property under the jurisdiction of the Department of the Interior and the Forest Service into a central database, and to make that data publicly available. S. 2433 would incorporate graphical, numerical, and descriptive data into a database, for purposes including, but not limited to, assisting agricultural management, resource development and conservation, environmental protection, and forest management.

LEGISLATIVE HISTORY

Senators Cramer and Heinrich introduced S. 2433 on July 22, 2021. The Subcommittee on Public Lands, Forests, and Mining held a hearing on the bill on October 19, 2021. Senators Romney, Manchin, Young, Sinema, Capito, King, Portman, Warner, Cornyn, Rounds, Cramer, and Lummis introduced a related bill, S. 1295, on April 21, 2021. Senators Sullivan and Cassidy also cosponsored the bill. No further action has been taken. A similar bill, H.R. 5522, was introduced in the House by Representatives Kind and Westerman on October 8, 2021. No further action has been taken.

Senators Cramer and Heinrich introduced a similar bill in the 116th Congress, S. 1295. The Subcommittee on Public Lands, Forests, and Mining held a hearing on S. 1295 on September 16, 2020.

Then-Representative Cramer and Representative Kind introduced similar legislation in the 115th Congress, H.R. 2199. The House Committee on Natural Resources Subcommittee on Federal Lands held a hearing to consider the bill on May 23, 2017. H.R. 2199 was favorably reported without amendment by the Committee on Natural Resources on September 25, 2017 (H. Rept. 115–322).

Senator Murkowski (R-AK) introduced similar legislation in the 114th Congress, S. 1225. The Senate Committee on Energy and Natural Resources held a hearing on the bill on May 14, 2015. The legislation was included as section 4401 of S. 2012, the Energy Policy Modernization Act, which passed the Senate on a roll call vote of 85–12 on April 20, 2016.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on November 18, 2021, by a majority voice vote of a quorum present, recommends that the Senate pass S. 2433, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 2433, the Committee adopted an amendment in the nature of a substitute to the bill. The amendment narrows the scope of inventory to Federal real property under the jurisdiction of the Secretary of the Interior and national forest system land under the jurisdiction of the Secretary of Agriculture, acting through the Chief of the Forest Service. The amendment also incorporated a separate amendment from Senator Lee, which requires the agencies to include the appraised value of the land (if an appraisal has been conducted) in instances where land suitable for disposal is identified and inventoried within the database.

The amendment is described in detail in the section-by-section analysis, below.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides the short title, the “Federal Land Asset Inventory Reform Act of 2021.”

Section 2. Cadastre of Federal real property

Subsection (a) defines key terms used in the bill.

Subsection (b)(1) requires the Secretary of Interior and the Secretary of Agriculture, acting through the Chief of the Forest Service (the Secretaries), to jointly develop and adopt interagency standards to ensure compatibility and interoperability among Federal databases for the collection and dissemination of data for Federal real property under the jurisdiction of the Secretaries within 18 months of enactment.

Paragraph (2) requires the development of a current and accurate multipurpose cadastre of Federal real property to support Federal land management activities within 2 years of enactment.

Paragraph (3) requires the Secretaries to submit a report describing the existing real property inventories or components of any cadastre currently authorized by law or maintained by the Secretaries, and sets forth requirements for the report.

Paragraph (4) requires the Secretaries to participate in the establishments of standards and common protocols to ensure interoperability of geospatial information, and coordinate with the Federal Geographic Data Committee.

Subsection (c) requires the Secretary to make the cadastre publicly available on the internet and ensure that the inventory includes the identification of all land suitable for disposal under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) while ensuring such disclosure would not impair or jeopardize national security.

Subsection (d) provides that the cadastre shall be considered to be geospatial data for purposes of the Geospatial Data Act of 2018 (43 U.S.C. 2801 et seq.) and subject to the requirements of that Act.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office has not estimated the costs of S. 2433 as passed by the Senate. The Committee has requested, but has not yet received, the Congressional Budget Office's estimate of the cost of S. 2433 as ordered reported. When the Congressional Budget Office completes its cost estimate, it will be posted on the Internet at www.cbo.gov.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 2433. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses. No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy. Little, if any, additional paperwork would result from the enactment of S. 2433, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 2433, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by the Department of the Interior at the October 19, 2021, hearing on S. 2433 follows:

**STATEMENT OF STEVE FELDGUS, PH.D., DEPUTY ASSISTANT
SECRETARY, LAND AND MINERALS MANAGEMENT, U.S.
DEPARTMENT OF THE INTERIOR**

Thank you for the opportunity to testify on S. 2433, the Federal Land Asset Inventory Reform Act. The bill directs

the Department of the Interior (Department) to develop and maintain a current multipurpose cadastre of Federal real property and provide a report to Congress on such property. The Department supports the goals of S. 2433 to modernize and make publicly available the nation's inventory of Federal real property assets and would welcome the opportunity to work with its sponsors on a number of issues discussed below.

BACKGROUND

Cadastral surveys create, restore, mark, and define boundaries and subdivisions of land. First proposed by Thomas Jefferson and enacted into law by the Land Ordinance of 1785, cadastral surveys provide the public and public land managers with the essential information needed to correctly determine ownership rights and privileges and facilitate good land management decisions.

As our nation grew, Congress created the General Land Office in 1812 to handle the rapidly increasing number of surveys, public land sales, patents, and land entries. The Bureau of Land Management (BLM) assumed responsibility for cadastral surveys in 1946, when the merger of the General Land Office and the Grazing Service created the BLM. Today, the BLM's Cadastral Survey Program maintains the official records of more than 200 years' worth of title and cadastral survey records, 12 million of which have been scanned, indexed, and published online by the BLM for use by the public and Federal land managers since 1992.

In 1994, an executive order established the interagency Federal Geographic Data Committee (FGDC), which provides managerial and advisory direction for geospatial initiatives across the Federal government. The FGDC is tasked with promoting the coordination and dissemination of geospatial data nationwide and was codified under the Geospatial Data Act of 2018. The Secretary of the Interior serves as the Chair of the FGDC and the BLM leads the FGDC Cadastral Subcommittee, which coordinates cadastral data-related activities among Federal, state, Tribal, and local governments, and the private sector. The BLM publishes two key datasets through the FGDC: (1) the Public Land Survey System, which is a coordinated dataset based on cadastral survey information used for parcel level mapping; and (2) the Surface Management Agency dataset, which captures the best available Federal ownership information. Both of these datasets support large scale depiction of Federal ownership information. The FGDC was also tasked to develop and manage the National Spatial Data Infrastructure, which is comprised of the technology, policies, and resources necessary to improve utilization of geospatial data.

As part of these efforts, the BLM is responsible for the surveying of Federal lands and maintaining the associated land title records. In total, the Federal government manages approximately 640 million surface acres of the nearly

2.3 billion acres of land that constitute the United States. In addition to these surface lands, the Federal government also manages subsurface estate and hundreds of thousands of buildings, structures, and other properties. Of all the Federal agencies, the BLM administers the largest portfolio of land and interests, with 245 million surface acres and approximately 700 million acres of onshore Federal mineral estate.

MODERNIZING RECORD SYSTEMS

The Department is committed to the continued development of geospatial data and technology as critical investments for our nation and is involved in many efforts to modernize cadastral and geographic data to better serve a variety of users. In 2019, the BLM initiated an effort to consolidate and modernize its land status records systems through the development of the Mineral and Land Records System (MLRS). The MLRS will replace the current systems used by the BLM, including the Legacy Rehost 2000 case management system, the Alaska Land Information System, and the older status records, such as master title plats, historical indexes, and tract books. The MLRS will be a customer-centric, geospatially-enabled land information system that employs standardized business practices. The new system will help ensure the quality and accuracy of land and mineral records, while securely making them available to the public and land managers.

S. 2433, THE FEDERAL LAND ASSET INVENTORY REFORM ACT

S. 2433 directs the Department to develop and maintain a multipurpose cadastre of all Federal real property, including land, buildings, crops, forests, and other resources, as well as information about the use, assets, and infrastructure of all parcels. Under the bill, the cadastre must be made publicly available on the internet in a graphically geo-enabled and searchable format.

The Department notes that the scope of the cadastre in S. 2433—which would span across every Federal landholding agency—extends beyond the current resources of the Department, and would require extensive new resources to fulfil the bill's objectives.

Development of Cadastre

The Department supports the goal of modernizing inventory and cadastre systems and is currently in the process of developing a new records system with capabilities that align with some of the requirements of the bill. The Department welcomes the opportunity to work with the sponsors of S. 2433 to determine the necessary authority and capacity to consolidate Federal real property inventories of cadastre data across all landholding agencies, consistent with applicable laws. Although the Department oversees roughly 420 million acres of Federal lands, many agencies manage hundreds of thousands of acres of real property assets which are outside of the Department's jurisdiction.

While there may be some advantages in designating the Department as the lead under the bill, we would like to work with the sponsors to adequately address the extensive interagency coordination, and assignment of roles and responsibilities, necessary to develop and maintain the cadastre.

We would also like to work with the sponsors to refine a number of the bill's definitions, including those for real property and assets, as well as to clarify the role of the Department and the BLM in engaging with other agencies to ensure alignment with the requirements of the Geospatial Data Act and compatibility with their respective FGDC responsibilities. Finally, we would like to work with the sponsors to ensure requirements for contracting services for the development of the cadastre, as directed in the bill, are consistent with the Department of the Interior's procurement and contracting practices and include opportunities for small and disadvantaged business communities.

IMPLEMENTATION TIMEFRAME

Section 2 provides 18 months to develop interagency standards to ensure compatibility among all Federal databases relating to Federal real property. Additionally, Section 2 requires the development of the cadastre to be completed in less than 2 years. We would also like to work with the sponsors to develop more achievable deadlines.

REPORT TO CONGRESS

The bill also requires the Department to submit a report to Congress, within 180 days of enactment, that describes the existing Federal real property inventory and cadastre and recommends whether these existing inventories should be eliminated or consolidated into the new multipurpose cadastre required under S. 2433. The bill specifies that the report should include all real property owned or maintained by the entire Federal government, including land; resources such as crops or forests associated with the land; buildings or structures; and any interest or rights in these properties. Furthermore, under the bill, the Department must include the anticipated cost savings that will be achieved as part of the creation of the new multipurpose cadastre, as well as a plan for the implementation of the new multipurpose cadastre. Finally, as part of the requirements of the report, the Department would need to provide legislative recommendations to increase the cost savings and enhance the effectiveness of consolidating Federal real property inventories into one multipurpose cadastre.

The Department is cognizant of its duty to be responsive and accountable to Congress. Given the magnitude of real Federal property and records that must be identified in the report required by S. 2433, which includes real Federal property maintained by Federal agencies outside of the Interior Department, the Department would like to work with the sponsors to narrow the scope of the report to DOI jurisdiction to help ensure successful completion.

CONCLUSION

The Department and the BLM are proud of its involvement with the nation's cadastre and appreciates the Committee's interest in this important topic. The Department looks forward to working further with the sponsors of S. 2433 to achieve the bill's objectives.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill as ordered reported.

